

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PHILIP K. DAVIS,

Plaintiff,

v.

ETHEX CORPORATION and K-V
PHARMACEUTICAL COMPANY,

Defendants.

Case No. 10-cv-518-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Ethex Corporation's response (Doc. 31) to the Court's October 20, 2010, order to show cause (Doc. 30) why the Court should not remand this case to state court for lack of subject matter jurisdiction after plaintiff Philip K. Davis amended his complaint to add defendant K-V Pharmaceutical Company as a defendant. The Court was uncertain whether the parties remained completely diverse. Ethex has provided sufficient proof that K-V Pharmaceutical Company is diverse from Davis and that complete diversity remains. Accordingly, the Court **DISCHARGES** the order to show cause (Doc. 30) and declines to remand this case to state court.

IT IS SO ORDERED.

DATED: November 3, 2010

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE